

SERVED JULY 1, 2009

US DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
JUL 1 2009

IN THE MATTER OF

RESOURCE TRANSPORTATION OF AMERICA, INC.

DOCKET No. FMCSA-2008-0158
(Federal Motor Carrier Safety Administration)

PROCEDURAL ORDER

In order to expedite the hearing in this matter the parties shall comply with the Procedural Schedule set forth hereinbelow.¹ The parties are encouraged to continue settlement negotiations.

The Rules of Practice for this proceeding are set forth in 49 C.F.R. Part 386, Subpart D, of the Federal Motor Carrier Safety Administration Regulations (49 C.F.R. Part 386).

The parties are advised that submissions sent to the street address of the U.S. Department of Transportation, Office of Hearings may be delayed in delivery due to screening conducted at the local U.S.P.S. bulk mail facility and may take up to four weeks to arrive by regular mail. In addition, submissions may be "irradiated" at the facility, which affects the quality of the submission. The parties are encouraged, but not required, to fax or express carrier pleadings and/or other submissions. The certificate of service shall reflect the manner of service. All pleadings shall include telephone numbers where the parties can be reached.

NOTE: This presiding Judge does not require "Discovery" to be served on the Judge. Other Judges have different policies, but as long as this case is assigned to the undersigned presiding Judge the parties may, but are not required, serve discovery on the undersigned.

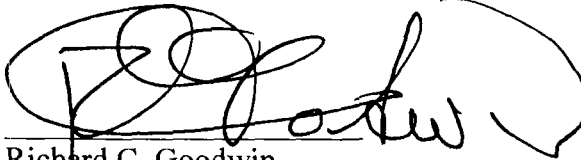
WHEREFORE, the parties be and are hereby ORDERED to adhere to the following procedural schedule:

1. Venue shall be Houston, TX²;
2. On or before fifty-five (55) days *after* the date of service of this Order the parties shall conclude all discovery including, but not limited to, depositions, document production, responses to production requests and/or interrogatories. If the parties cannot resolve a discovery dispute they shall submit the dispute to the undersigned for resolution in a timely manner.

¹ 49 C.F.R. 386.56 states: "As soon as practicable after his/her appointment, the administrative law judge shall issue an order setting the date, time and place for the hearing..."

² Houston, TX is the closest venue to Cameron, LA

3. **Settled cases will not be removed from the docket until the Judge receives the proper pleading(s);**
4. **NOTICE IS HEREBY GIVEN THE PARTIES SHALL BE PREPARED TO PRESENT EVIDENCE AND TESTIMONY AT A HEARING ON THE MERITS SIXTY (60) DAYS FROM THE DATE OF THIS ORDER, SUBJECT TO THE AVAILABILITY OF COURTROOM FACILITIES; AND**
5. The parties will have the opportunity to file Post-Hearing briefs and arguments pursuant to a schedule to be determined at the hearing. For guidance, the following schedule is typically used: Complainant shall file its brief fifteen (15) days after receipt of the transcript; Respondent shall its brief fifteen (15) days thereafter; and any rebuttal brief by the Complainant shall be filed seven (7) days thereafter.

A handwritten signature in black ink, appearing to read 'Richard C. Goodwin', written over a horizontal line.

Richard C. Goodwin
U.S. Administrative Law Judge

Attachments – Service List

SERVICE LIST

ORIGINAL & ONE COPY

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The Honorable Richard C. Goodwin
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